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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/682,323
Filing Date: August 20, 2001
Appellant(s): PODUSKA, MATTHEW J.

Gregory G. Williams
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/14/2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-11 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,611,870	Asano et al.	8/2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

> except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

With regard to claim 1, Asano et al. discloses a computer system comprising: a chassis having a plurality of slots thereon each configured for receiving one of a plurality of planar shaped circuit cards therein (as for any server, it is inherent that a chassis (motherboard) must be provided to house a plurality of PCI slots for a plurality of planar PCI cards in full compliance with PCI Protocol, see at least Fig. 1, elements 7a, 7b, for example); a shroud coupled to the chassis to form an enclosure about the plurality of planar shaped circuit cards (as for any server, it is inherent that an enclosure must be provided to house the motherboard/chassis and components such as network cards) ; the plurality of planar shaped circuit cards (7a/7b, for example) each configured for providing an independent dedicated server function (each card 7a/b has its own processor and function independently, see at least column 1, line 64 to column 2, line 1; column 2, lines 37-45); and, each of the plurality of planar shaped circuit cards (7a, b for example) being configured so as to be free from any direct communication connection with any inter-card bus inside the enclosure (it is clear from at least Fig. 1 and

description thereof that network cards 7a,b have no direct connection with the system bus).

With regard to claim 3, it is clear from at least Fig. 1of Asano et al. that the PCI cards of Asano et al. must be in full compliance with PCI protocol. The PCI standard requires each PCI card receives either 3.3 or 5 Volts power from the motherboard. When a PCI card is inserted into a PCI slot, the PCI card's keys designed for either 3.3 or 5V fits into the slot to receive either 3.3 or 5 Volts from a single source (the motherboard) depending on the card's keys.

With regard to claims 4 and 6, as mentioned above, the PCI cards must be in full compliance with the PCI protocol.

With regard to claim 7, since PCI network cards, each having its own local processor and memory, have no direct connection to and function independently from the system bus, it is clear from Asano et al. that only those PCI traces are used for power supply.

With regard to claim 11, it is clear that one practicing the device of Asano et al. (see discussion above) would have performed the same steps set forth in claim 11. Note that every network card has an external connector for enabling connection to a network environment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention including the use of a plurality of independently functioned PCI network cards. However, Asano et al. does not specifically disclose that the independent functions include "email server function," "web server function," and "file storage function." It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such intended functions to the plurality of PCI network cards of Asano et al. by, for example, suitable software, since the Examiner takes Official Notice that "email server function," "web server function," and "file storage function" are all old and well-known for their applications in a network environment, and merely providing such functions to the independently functioned PCI network cards only involves ordinary skill in the art. If Applicant chooses to properly challenge the Official Notice, supportive document(s) will be provided upon request.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention except for the use of ISA slots instead of PCI slots. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ISA protocol instead of or in addition to the PCI protocol as used in Asano et al., since the Examiner takes Official Notice that both PCI and ISA protocols are old and well-known in the art, and a selection of one over the other or both only involves ordinary skill in the art. If Applicant chooses to properly challenge the Official Notice, supportive document(s) will be provided upon request.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al.

Asano et al., as explained above, discloses the claimed invention including the use of a plurality of independently functioned PCI network cards. However, Asano et al. does not specifically disclose that the independent functions include "email server function," "web server function," and "file storage function." It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such intended functions to the plurality of PCI network cards of Asano et al. by, for example, suitable software, since the Examiner takes Official Notice that "email server function," "web server function," and "file storage function" are all old and well-known for their applications in a network environment, and merely providing such functions to the independently functioned PCI network cards only involves ordinary skill in the art. If Applicant chooses to properly challenge the Official Notice, supportive document(s) will

be provided upon request. With regard to claim 9, see discussion regarding to claim 3 above. With regard to claim 10, see discussion regarding to claim 6 above.

(11) Response to Argument

Background:

Technical Terms:

Bus: A set of hardware lines (conductors) used for data transfer among the components of a computer system. See Microsoft Press, Computer Dictionary, 3rd Edition.

PCI Bus: Short for Peripheral Component Interconnected Local Bus that allows up to 10 bus devices installed in a computer via PCI-compliant expansion cards. See The PC Guide (http://www.PCGuide.com) for definition of PCI Local Bus.

PCI Expansion Slots: PCI bus typically supports 3 or 4 expansion slots so that expansion cards such as network cards can be detachably attached thereto. See The PC Guide (http://www.PCGuide.com) for definition of PCI Expansion Slots.

System Bus: The bus that connects the CPU to main memory on the motherboard, I/O buses, which connect the CPU with the systems other components, branch off of the system bus. The system bus is also called the frontside bus, memory bus, local bus, or host bus. See Webopedia (http://www.webopedia.com) for a definition of system bus.

Host Bus: Host Bus is another name for frontside bus or system bus. See Webopedia (http://www.webopedia.com) for a definition of system bus.

Relevant Law:

By examining relevant dictionaries, encyclopedias and treatises to ascertain possible meanings that would have been attributed to the words of the claims by those skilled in the art, and by further utilizing the intrinsic record to select from those possible meanings the one or ones most consistent with the use of the words by the inventor, the full breadth of the limitations intended by the inventor will be more accurately determined and the improper importation of unintended limitations from the written description into the claims will be more easily avoided. *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir 2002).

Claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." Springs Window Fashions LP v. Novo Industries, L.P., 65 USPQ2d 1862, 1830, (Fed. Cir. 2003).

Response to Appellant's arguments:

The Asano 102 Rejection:

With regard to claim 1, Appellant argues that "[s]ince the network cards 7a and 7b of Asano are coupled through the PCI bus, the Examiner errs when saying Asano is FREE FROM any direction [sic] connection with an inter-card bus." See Appellant's brief, page 5. Contrary to Applicant's argument, it is clear from Asano that the planar

shaped circuit cards (7a, b for example) are configured so as to be free from any direct communication connection with inter-card system bus or host bus 1a inside the enclosure. This is identical to the disclosure on page 4, 2nd paragraph, of the originally filed specification that "there are no direct communication connections between the cards 124, 126 and 128 via an internal system bus." By definition, the host bus is a system bus. See definition provided above.

With regard to claim 11, Appellant argues that Asano does not disclose "prohibiting direct communication between the cards and a bus extending between the slots." See Appellant's brief, page 6. Contrary to Appellant's argument, it is clear that one using the apparatus of Asano would have performed the same steps set forth in claim 11. As discussed above regarding to the apparatus claim 1, in Asano, the planar shaped circuit cards (7a, b for example) are configured so as to be free from any direct communication connection with inter-card system bus or host bus 1a inside the enclosure. This is identical to the disclosure on page 4, 2nd paragraph, of the originally filed specification that "there are no direct communication connections between the cards 124, 126 and 128 via an internal system bus." By definition, the host bus is a system bus. See definition provided above. It is also clear from at least Fig. 4 of Asano that the host bus/system bus 1a extends between the expansion slots where the network cards 7a and 7b are detachably attached thereto.

The Asano 103 Rejection:

With regard to claims 2, 5, 8, 9, and 10, Appellant does not separately argue against the 103 Obviousness Rejection.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[redacted]

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